

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HERBERT DEON GOODWIN, JR.,

Petitioner,

v.

KATHLEEN ALLISON,

Respondent.

Case No.: 1:22-cv-00298-JLT-CDB (HC)

**ORDER GRANTING EXTENSION OF
TIME TO FILE TRAVERSE**

(Docs. 23, 24)

14-day Deadline

Petitioner Herbert Deon Goodwin, Jr. (“Petitioner”) is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On April 18, 2022, Petitioner filed the operative first amended petition for writ of habeas corpus. (Doc. 11). On July 6, 2022, Respondent Kathleen Allison (“Respondent”) lodged the non-miscellaneous state court record. (Doc. 17). On July 19, 2022, Respondent filed an answer to the petition for writ of habeas corpus. (Doc. 19). On April 18, 2024, the Court denied without prejudice Petitioner’s motion for a 30-day extension of time *nunc pro tunc* to file a traverse, finding insufficient good cause to grant the motion without further explanation concerning his delayed receipt of Respondent’s answer and, separately, because the motion was unsigned by Petitioner under penalty of perjury. (Doc. 22).

Pending before the Court are Petitioner’s renewed motion for a 30-day extension of time to file a traverse, filed on April 29, 2024, and motion to file an untimely traverse, filed on October

1 10, 2024. (Docs. 23, 24). Petitioner asserts he had never received Respondent's answer until
2 after it was forwarded to him by Assistant Federal Defender Ann. C. McClintock on March 13,
3 2024. *Id.* Petitioner represents the traverse is complete. (Doc. 24). Respondent did not oppose
4 or otherwise respond to either of these pending motions.

5 Pursuant to Local Rule 230(c), the Court has discretion to construe Respondent's failure
6 to file a timely opposition as a non-opposition to the motions. L.R. 230(c). In light of
7 Respondent's construed non-opposition, based on Petitioner's representations, the Court finds
8 good cause to grant the pending motions given that Petitioner's motions are consistent with the
9 Court's admonitions to Petitioner in its April 18, 2024 order and given Petitioner's representation
10 that his traverse is complete.

11 Accordingly, for good cause shown, the Court GRANTS Petitioner's request for a 14-day
12 extension of time to file the traverse.

13 Petitioner's traverse must be filed on or before November 21, 2024. No further extensions
14 of time to file the traverse will be granted absent extraordinary circumstances.

15 IT IS SO ORDERED.

16 Dated: November 6, 2024

17 
UNITED STATES MAGISTRATE JUDGE